

South Crazy Land Exchange – Preliminary Frequently Asked Questions

October 25, 2019

What are the key considerations in a land exchange?

A land exchange is a discretionary and voluntary real estate transaction between the Federal government and a non-Federal party and may be initiated by either party. Unless and until the parties enter into a binding Exchange Agreement, any party may withdraw from and terminate an exchange proposal at any time during the exchange process.

Land exchanges are considered only if it is in the public interest and is consistent with the Forest Plan. Factors to consider:

1. Opportunity to achieve better management of Federal lands and resources
2. Meet the needs of State and local residents and their economies
3. Secure important objectives:
 - a. Protect fish and wildlife habitats, cultural resources, watersheds, and wilderness and aesthetic values;
 - b. Enhancement of recreation opportunities and public access;
 - c. Consolidation of lands and/or interest in lands;
 - d. More logical and efficient management and development;
 - e. Promotion of multiple use values;
 - f. Implementation of the Forest Plan;
 - g. Fulfillment of public needs.

The resource values and the public objectives served by the non-Federal lands or interest to be acquired must equal or exceed the resource values and the public objectives served by the Federal lands to be conveyed.

The above is cited from: FSH 5409.13 Land Acquisition Handbook and 36 CFR 254, Subpart A – Land Exchanges.

What are the primary elements of this project?

The key elements of this project include:

- Creating a large block of clearly identifiable consolidated National Forest System (NFS) lands for public use and benefit;
- Acquiring Rock Lake and Smeller Lake to provide for quality recreational opportunities including fishing, hiking, hunting, camping and scenic viewing;
- Securing habitat at Rock Lake and Smeller Lake for Yellowstone cutthroat trout
- Securing a permanent trail easement and the relocation and construction of large portions of the Cottonwood Lowline Trail #272 onto the consolidated NFS lands;
- Securing a permanent road easement on the Robinson Bench Road #193 to provide public access to the Rock Creek North Trailhead;
- Securing a permanent administrative easement for the Rock Creek Road #199 and North Hammond Creek Road #1958, which will provide access for the agency for resource management purposes including wildfire response, weed control, permit administration, or other restoration activities on NFS land; and
- Consolidation of NFS lands, resulting in management efficiency including reduction of boundary line maintenance, signage, and other authorizations.

Does the public currently have secured access to sections 4 and 8?

South Crazy Land Exchange – Preliminary Frequently Asked Questions

October 25, 2019

There is some unperfected public access on the Robinson Bench Road to access the Rock Creek North Trailhead. The project proposal eliminates that issue through the acquisition of easements to secure the road for public vehicular access to the trailhead.

Section 8:

The Forest Service has an easement (Kelly to USA, dated May 23, 1966) across the entire width of section 9 on the Rock Creek Road #199 to section 8. While portions of the Cottonwood Lowline 272 trail and Rock Creek Road #199 are coincident, the USA does not have an easement for the segment of Trail 272 that resides in section 9 where they depart. The public can stay on the Rock Creek Road to section 8.

Section 4

There is no recorded public easements into section 4 via any road or trail. Sections 4 and 8 have a gap between the corners of approximately 48 feet. This has not been resurveyed since 1903, but is clear in the General Land Office records.

What happens to any hazardous materials that may be on private parcels before they become public land?

A comprehensive Environmental Site Analysis (ESA) report is a standard element in a land exchange. This report and investigation is completed to inform the agency if any hazardous materials or concerns are on the properties to acquire. The ESA has to be completed and approved before a Decision Notice for NEPA can be signed. If hazardous waste concerns are present, they must be mitigated prior to the execution of an exchange. There are no exceptions.

Will the conservation easements on the sections that would owned by the Ranches allow for public access?

The parties involved in the exchange have voluntarily agreed that conservation easements (CE) will be placed on all of the Federal parcels being conveyed into private ownership. The CEs would continue to provide for traditional land uses including recreation, livestock management, and timber management. The CEs would preclude all mineral development and mining (hard rock and oil/gas and preclude permanent industrial or commercial development, other than uses consistent with the existing operations.

Has the Forest Service discussed potential block management with the private landowners and is this a component of the proposed land exchange?

This has not been discussed nor is it a component of the land exchange. Block Management jurisdiction and negotiations would fall to the State agencies.

Why is the agency pursuing a land exchange rather than a purchase of the interior sections?

The landowners have not expressed interested in an outright sale of their properties. The solution presented in this project proposal and each of the individual elements reflects what the agency and landowners have agreed to.

What is the timeline for this project?

South Crazy Land Exchange – Preliminary Frequently Asked Questions October 25, 2019

Once the public comment period closes the Forest Service interdisciplinary team will review public comments and update the analysis accordingly. Completion of requirements for Section 7 of the Endangered Species Act and Section 106 of the State Historic Preservation Office will take place over the winter (2020). During the summer of 2020, the appraisals and Hazmat (ESA) inspections will occur. Upon completion of appraisals and hazmat, a final Environmental Assessment and draft Decision Notice will be publicly circulated for a 45-day objection period summer 2020. The Forest Services' goal will be to sign the final Decision Notice fall of 2020. The Forest Service can then move to signing an Exchange Agreement and then exchanging/recording deeds January 2021.

Will this proposal connect the Cottonwood and North Rock drainages?

This project provides the connection on the North Rock trailhead through the sections proposed for acquisition. As part of a separate project the Forest has been looking for solutions for the final piece of trail that would complete the continuity with the Cottonwood Drainage.

Will there be road access to the Forest boundary?

The public will not have road access to the Forest boundary. The Forest Service will have administrative road access on Rock Creek Road No. 199 and North Hammond Creek Road No. 1958 to the Forest boundary.

How will the administrative roads be used and for what reasons?

The Forest Service will have motorized administrative use of North Hammond Creek Road No. 1958 and Rock Creek Road No. 199. This will allow the Forest Service to more efficiently manage wildfires, timber, weeds, fisheries and trails on NFS lands.

Would any water rights associated with acquired parcels be transferred to the National Forest? Are there any water rights on Forest Service parcels that would be transferred to private?

The Forest Service would acquire 6 water rights that are associated with the non-Federal parcels and would convey 4 water rights that are associated with the Federal parcels.